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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,900	07/06/2001	Hiroyuki Tanaka	Q65251	1270

7590 02/20/2004
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Washington, DC 20037-3202

EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/869,900	TANAKA ET AL.	
	Examiner	Art Unit	
	Umakant K. Rajguru	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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1. A response has been filed on Nov 10, 2003
2. Claims being examined are 1- 18
3. Rejection of claims 1 & 12 and objection to claims 4 & 5 (see item 6 of prior office action of August 08, 2003) are now withdrawn.
4. Rejection of claims 1-18 (item 4) is also withdrawn.
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-7, 9, 11, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al (US 6632871)

Tanaka discloses crosslinkable elastome composition. It contains metal oxide filler. Silicon dioxide is a suitable filler (col. 2, line 47). Metal oxide contains a single metal oxide ~~filler. Silicon dioxide~~ such as SiO_2 . It means the metal oxide filler contains no other oxide. This satisfies the (claimed) limitation of having silicon oxide at more than 60% by w of total wt of metal oxide filler. Filler preferably contains impurities not more than 1000 ppm (col. 2, line 66). Composition contains a fluorine-based elastomer. Filler is added at 1 to 150 parts by wt per 100 parts by wt of elastomer (col.3, lines 57-63). A peroxide crosslinking agent is used (col. 4, lines 61 -65). Composition can be molded into desired parts suitable for semiconductor production apparatuses (col. 5 lines 8-18).

It is noted that patentee does not mention limitation of instant claims 12, 13 & 14. Nonetheless since patentee discloses a composition that reads on the instantly claimed one, it is reasonable to infer that patentee's composition satisfies limitations of claims

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WLR ¶12, 13, & 14. Furthermore it is within the skill of an artisan to use disclosure of Tanaka to reduce impurities to not more than 100 ppm.

It would therefore have been obvious to follow teachings of Tanaka and arrive at claimed invention.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-7, 9, 11 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al (EP 1160275).

Disclosure of Tanaka above proves that claims 1-7, 9, 11, and 15-18 lack novelty.

9. Claims 8, 10 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al (^{US 6632871}~~EP 1160275~~) as applied to claim 1 above, and further in view of Hung et al (WO 97/05/22).

Tanaka does not mention crosslinking agents of instant claims 8, 10, & 12.

Hung discloses fluorinated alkenyltriazines as crosslinking agents for fluoroelastomers.


Hence it would have been obvious to use the triazines of Hung as alternate crosslinking agents in composition of Tanaka with an intention of having substitute raw materials at hand that performs equally well as peroxides.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru, whose telephone number is (571) 272-1077. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


U.K. Rajguru/af
January 29, 2004